

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figure 1. This sheet, which includes Figure 1 only, replaces the original sheet including Figure 1. In Figure 1, the term "state of the art" has been replaced with the term "prior art," to address the objection noted in item 2 of the Office Action.

Attachment: Replacement Sheet

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendment and the following remarks. For the reasons discussed below, it is believed that all of the claims are in condition for allowance.

The disclosure was objected to in item 4 of the Office Action, because the reference Fukushima, Makoto was improperly cited in the Information Disclosure Statement of 12/07/2005. The reference has since been correctly cited, thus the objection is rendered moot.

Claim 1 is amended to include the limitations of claim 2, and claim 2 is cancelled. All claims which previously depended from claim 2 are amended to depend from claim 1.

A new claim 8 is added, which reads on the elected embodiment of Fig. 2 as well as on the non-elected embodiment of Fig. 3. No new matter has been added.

Claims 1-4 and 6 were rejected as allegedly being anticipated by Kim. That rejection is respectfully traversed.

Claim 1 recites a capillary channel that has, inside it, means which, coming into contact with a straight portion of the spring, prevent it from becoming inclined with respect to the longitudinal axis of the ball-point pen. The Office Action cites Kim element 14 as such a means; however, there is nothing in Kim to suggest that the spring is prevented from assuming inclined positions with respect to the longitudinal axis. In fact, element

14 does not appear to be dimensioned in such a way that it prevents the spring from sliding.

Claim 1 further recites a compression-resilient spring terminating in a straight portion, the free end of which is in contact with the ball. The Office Action cites Kim element 20 as such a compression-resilient spring despite the fact that the free end of element 20 does not contact the ball (see the annotated figure on page 4 of the Office Action and col. 3, lines 24-26).

Furthermore, the spring does not terminate in a straight, free end; Kim's "free end side" is bent in every preferred embodiment (col. 3, lines 22-24). Still further, Kim's "free end side" is not aligned with the longitudinal axis of the pen, as is also required by claim 1, thus Kim does not anticipate independent claim 1 or any of its dependent claims.

The new claim 8 is further distanced from Kim in its recitation that a transverse section through the narrowed portion 7, 7' defines a circular opening surrounding the straight portion of the spring. That characteristic of the invention is true of both the elected (cylindrical) and non-elected (annular semicircular) species of the invention.

However, such an arrangement is not described for any of the embodiments of Kim, see, e.g., Figs. 9, 11, 12 and 14 of Kim. Thus, claim 8 is patentable over Kim both by virtue of its

dependency from allowable claims 1 as well as independently of claim 1 from which it depends.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following item(s):

- a new or amended Abstract of the Disclosure
- a Replacement Sheet for Figure 1 of the drawings